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August 3, 2022

VIA CM/ECF

The Honorable Maryellen Noreika
United States District Court, District of Delaware
J. Caleb Boggs Federal Building
844 N. King Street
Unit 19
Room 4324
Wilmington, DE 19801-3555

Re: *CBV, Inc. v. ChanBond, LLC, et al.*, C.A. No. 1:21-cv-01456

Dear Judge Noreika:

I respectfully write on behalf of Plaintiff CBV, Inc. ("CBV") to: (1) advise the Court of a serious medical condition of a CBV principal, Mr. Earl Hennenhoefer; and (2) to request entry of a proposed Scheduling Order with a scheduling accommodation for Mr. Hennenhoefer's medical condition, while recognizing the significant scheduling burdens of this Court.

Mr. Hennenhoefer has a degenerative hearing-based medical condition which has been degrading at an accelerated rate over the past 4-5 months to the point at which he is nearly deaf and for which his physician is recommending near-term surgery as soon as possible to preserve any future ability to hear to the greatest extent possible. The urgency of this request is attributed to scheduling a limited discovery period on select issues associated with a possibly case-dispositive Summary Judgement motion that will involve Defendants' likely notice of Mr. Hennenhoefer's deposition. The contemplated surgical procedure will render Mr. Hennenhoefer unable to hear and meaningfully participate in this litigation for a year or more while he recovers and retrains his brain to hear, such that his deposition must occur before his surgical procedure to avoid it having to be delayed indefinitely.

Mr. Hennenhoefer's medical condition has prompted CBV to meet and confer with the Defendants in an effort to keep the case moving forward. The parties' un-entered, Proposed Scheduling Order [D.I. 24] of March 23, 2022 will need to be revised and re-submitted to the Court. While the parties have reached agreement on certain terms, disagreement remains as to certain others, namely bifurcation of discovery with respect to certain issues related to ASA and a corresponding motion for summary judgment on these issues, and the appropriate schedule for all

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discovery in this action. Attached herewith are a proposed scheduling order indicating the parties' respective proposed schedules and a chart identifying the areas of disagreement and the parties' positions as to each such issue.

Other currently pending pleadings include: (1) CBV's Motion for Preliminary Injunction fully briefed on April 7, 2022 [D.I. 18, 48-51, 54, 65]; (2) UnifiedOnline, Inc.'s Motion for Intervention [D.I. 34, 37, 46, 73-74, 76, 87-88]; and (3) Leane Defendants' Motion for Judgment on the Pleadings fully briefed on June 28, 2022 [D.I. 104-107, 123, 124-125]. CBV's Motion for Preliminary Injunction has an outstanding issue of whether Leane Defendants may submit a sur-reply (yet to be decided by the Court [D.I. 71-72, 89]).¹ Otherwise all three motions are ready to be heard.

Given Mr. Hennenhoefers' medical condition, CBV requests that Your Honor authorize for submission and enter a revised, proposed Scheduling Order, which includes a limited discovery phase related to CBV's planned Summary Judgment motion.

Should Your Honor have any questions or wish to schedule a status conference, counsel remains available at Your Honor's convenience.

Respectfully submitted,

/s/ Geoffrey G. Grivner

Geoffrey G. Grivner (#4711)

Enclosures

GGG/

cc: All Counsel of Record (via CM/ECF)

¹ In any event, Leane Defendants filed their sur-reply along with their Motion for Leave, so briefing is still complete on the Motion for Preliminary Injunction whether or not the Court grants the Motion for Leave for Sur Reply.